

REMARKS

The application has been carefully reviewed in light of the Office Action dated December 7, 2010. Claims 2 to 4 are in the application, of which Claim 2 is independent. Claim 4 remains withdrawn from consideration. Claims 1 and 5 to 22 have been cancelled without prejudice. Claims 2 and 4 have been amended herein. Reconsideration and further examination are respectfully requested.

Claim 3 was objected to as containing non-elected subject matter. Applicant respectfully submits that Claim 2 is a generic claim linking the probe sets recited in Claim 3. Accordingly, rejoinder of Claim 3 is respectfully requested upon the allowance of Claim 2, pursuant to MPEP § 821.04(a).

Claims 2 and 3 were rejected under 35 U.S.C. § 112, first paragraph, for alleged lack of enablement. These rejections are respectfully traversed, and are submitted to have been obviated by the amendments made herein.

Claims 2 and 3 were rejected under 35 U.S.C. § 112, second paragraph. These rejections are respectfully traversed.

The Office Action asserts that the meaning of the language “a sequence of an allele in the allele list for HLA-A in the specification” is unclear. However, Applicant respectfully submits that this language would be understood by one of ordinary skill in the art to refer to a sequence of one of the HLA-A alleles listed at page 15, line 9 to page 116, page 9 of the instant specification.

In this regard, Applicant notes that the claims may refer to a listing in the specification where there is no practical way to define the invention in words and where it is more concise to incorporate by reference than duplicating the listing in the claims. See MPEP § 2173.05(s).

The Office Action further states that there is no antecedent basis for the term “the specification”. However, Applicant respectfully submits that there is no requirement that the claims include an antecedent recitation for this term since it is an inherent characteristic. The subject application has only one specification. See MPEP § 2173.05(e).

With respect to non-elected Claim 4, rejoinder of this claim is respectfully requested upon the allowance of Claims 2 and 3, pursuant to MPEP § 821.04(b).

The application is believed to be in condition for allowance, and a Notice of Allowance is respectfully requested.

No fees are believed due; however, should it be determined that additional fees are required, the Director is hereby authorized to charge such fees to Deposit Account 06-1205.

Applicant's undersigned attorney may be reached in our Costa Mesa, California office by telephone at (714) 540-8700. All correspondence should be directed to our address given below.

Respectfully submitted,

/Damond E. Vadnais/
Damond E. Vadnais
Attorney for Applicant
Registration No. 52,310

FITZPATRICK, CELLA, HARPER & SCINTO
1290 Avenue of the Americas
New York, New York 10104-3800
Facsimile: (212) 218-2200